

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3156  
ANSWERED ON:16.08.2005  
MENTALLY CHALLENGED UNDERTRIALS  
Singh Shri Ganesh Prasad

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the National Human Rights Commission has framed guidelines for the upkeep of mentally challenged undertrials lodged in various jails across the country based on the Supreme Court judgements and references made in the Mulla Committee;
- (b) if so, the details thereof;
- (c) whether the Government proposes to invite the attention of the various State Governments in this regard;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT)

(a)to(e): The Chairperson, National Human Rights Commission had on 11.09.1996 advised all the Chief Ministers of States/Administrators of Union Territories that no mentally ill persons should be permitted to be continued in any jail after 31.10.1996. This was done on the basis of a direction given to Government of Bihar by the Patna High Court to transfer mentally ill persons languishing in the jails to the mental asylum at Ranchi. Further, on 07.02.2000, referring to previous letter dated 11.09.1996 and drawing attention to the fact that the Mental Health Act, 1987, which came into force w.e.f. 01.09.1993, did not permit lodging of mentally ill persons in prison, the Chairperson, National Human Rights Commission requested all the Chief Ministers and Administrators of Union Territories to issue clear directions to the Inspector General of Prisons to ensure that mentally ill persons are not kept in jail under any circumstances. In view of the advisories issued by the National Human Rights Commission and the provisions of Mental Health Act, 1987, no further directions are required to be issued to the State Governments/ Union Territory Administrations.